

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

THE SMART MARKETING GROUP, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 04 C 0146
	)	
PUBLICATIONS INTERNATIONAL, LTD.	)	Hon. John W. Darrah
	)	
Defendant.	)	
	)	

**MOTION FOR ENTRY OF JUDGMENT**

Defendant PUBLICATIONS INTERNATIONAL, LTD. (“Defendant”), respectfully moves this Court, pursuant to Rule 58(d) of the Federal Rules of Civil Procedure, for entry of judgment on the Court’s May 24, 2011 order taxing costs against Plaintiff, The Smart Marketing Group, Inc. (“SMG”). In support of this motion, Defendant states as follows:

1. On February 18, 2009, the Court entered judgment on a jury’s verdict in SMG’s favor in the amount of \$5,612,500.00. Defendant timely appealed the judgment.
  
2. On October 28, 2010, the United States Court of Appeals for the Seventh Circuit vacated the judgment on damages, and remanded the case to this Court for further proceedings. The appellate court did not disturb the Court’s judgment as to liability, which Defendant did not challenge.
  
3. On February 18, 2011, Defendant filed a Bill of Costs in this Court, asking that the costs of the appeal, incurred in the district court, be taxed against SMG pursuant to Rule 39(e) of the Federal Rules of Appellate Procedure.

4. On May 17, 2011, this Court awarded Defendant \$68,019.49 in costs, taxable in the district court. (*See* Memorandum Opinion and Order, Dkt. 294, attached as Ex. A; Order, Dkt. 293, attached as Ex. B). On May 24, 2011, this Court entered an order taxing these costs against SMG. (*See* Notification of Docket Entry, Dkt. 295, attached as Ex. C).

5. Defendant has conferred with SMG regarding payment of the above costs. Counsel for SMG has informed Defendant that SMG has no assets and therefore will not pay the costs.

6. Defendant's remedies to collect these costs, to which it is rightly entitled, are triggered only with a judgment set out in a separate document. *See* Fed. R. Civ. P. 58(a).

WHEREFORE, in light of this Court's opinion and order awarding costs to Defendant, and taxing such costs against SMG, Defendant respectfully requests this Court to enter judgment pursuant to Rule 58(d) of the Federal Rules of Civil Procedure.

Dated: May 31, 2011

Respectfully submitted,

PUBLICATIONS INTERNATIONAL, LTD.  
and CONSUMER GUIDE LLC

By: /s/ Steven S. Scholes  
One of its Attorneys  
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**CERTIFICATE OF SERVICE**

I, Peter Senechalle, an attorney, certify that I electronically filed a copy of the foregoing Motion for Entry of Judgment, using the Electronic Case Filing system, which sent notification to the following on May 31, 2011, pursuant to Fed. R. Civ. P. 5, L.R. 5, and the General Order on Electronic Case Filing:

William P. Ziegelmueller  
Henry Baskerville  
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/s/ Peter Senechalle  
Peter Senechalle

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